

The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DEAN HILLER

Appeal 2007-3224
Application 09/457,420
Technology Center 2100

Decided: October 30, 2007

Before KENNETH W. HAIRSTON, LEE E. BARRETT,
and ROBERT E. NAPPI, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from a final rejection of claims 1 to 17. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellant has invented a method and apparatus for processing an Internet site name. In the processing of the Internet site name, a regular expression stored at a Domain Name Server is retrieved, and a comparison between a first Internet site name and the regular expression is performed at the Domain Name Server to identify an Internet Protocol address for multiple similar site names (Figure 2; Specification 6 and 7).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A method of processing an Internet site name comprising:
retrieving a regular expression stored at a Domain Name Server; and
performing a comparison between a first Internet site name and the
regular expression at the Domain Name Server to identify an Internet
Protocol address for multiple similar site names.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Farber	US 6,185,598 B1	Feb. 6, 2001 (filed Feb. 10, 1998)
Schneider	US 6,338,082 B1	Jan. 8, 2002 (filed Mar. 22, 1999)
Jerger	US 6,345,361 B1	Feb. 5, 2002 (filed Jul. 15, 1998)

The Examiner rejected claims 1 to 3 and 9 to 12 under 35 U.S.C. § 103(a) based upon the teachings of Farber and Jerger. The Examiner rejected claims 4 to 8 and 13 to 17 under 35 U.S.C. § 103(a) based upon the teachings of Farber, Jerger, and Schneider.

Appellant contends that the applied references, whether considered separately or in combination, do not teach or suggest any of the features of the claimed invention (Br. 7 and 8).

ISSUE

Does the applied prior art teach or would it have suggested to the skilled artisan the features of the claimed invention?

FINDINGS OF FACT

As indicated *supra*, Appellant processes an Internet site name via the steps of retrieving a regular expression stored at a Domain Name Server, and then performing a comparison between a first Internet site name and the regular expression at the Domain Name Server to identify an Internet Protocol address for multiple similar site names.

Farber describes a method of selecting an alternate repeater/server to process a client request for a resource (Figure 1; col. 2, ll. 54 to 60). The network in Farber comprises a client 106, servers/repeaters 104a to 104c, master repeater 104m, and a data server 112. A reflector 108 and an origin server 102 that originates resources are included in the data server 112 (col. 4, ll. 14 to 41). A repeater/server acts as a dedicated proxy server that maintains a partial or sparse mirror of the resources found in the origin server 102 (col. 4, ll. 29 to 32). The reflector 108 functions to intercept resource requests sent by client 106 to the origin server 102, and to select one of the repeater/servers 104a to 104c to respond to the request for resources (col. 5, ll. 3 to 17). As an example, the cache 110 in repeater/server 104a is used to avoid unnecessary transactions with the

origin server 102 (col. 5, ll. 23 to 25). In an alternative embodiment that does not use a reflector, the client 106 in Farber enters the URL for the origin server 102, and the client's browser uses a domain name server to look up the network IP address of the origin server (col. 7, ll. 1 to 10). The client's browser then uses the origin server's IP address to establish a connection to the origin server 102 (col. 7, ll. 11 to 13). The client's request can then be responded to by the origin server (col. 7, ll. 14 to 21). In an embodiment that uses the reflector 108, the resource identifier (URL) for a request is looked up in a rule base table that contains a list of regular expressions, and the URL is sequentially matched with each regular expression to determine whether to service the request at the origin server 102 or send it to one of the repeater/servers 104a to 104c for service (col. 7, l. 52 to col. 8, l. 22).

According to the Examiner, “Jerger discloses wildcard characters may be used to specify multiple domain names, for instance the regular expression ‘*.microsoft.com’ specifies all servers at the ‘Microsoft.com’ second level domain (col. 17, lines 50-67)” (Answer 4).

Schneider was relied on by the Examiner because he “discloses DNS is implemented in a hierarchy of DNS servers (Unix machines running Berkeley Internet Name Domain (BIND) software) and an application-layer protocol that allows hosts and DNS servers to communicate in order to provide the translation service (col. 3, lines 4-38 and col. 9, lines 45-56)” (Answer 5).

PRINCIPLES OF LAW

The Examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The Examiner's articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

“One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

In an obviousness rejection, it is impermissible “to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” *In re Wesslau*, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965).

ANALYSIS

The Examiner contentions to the contrary notwithstanding (Answer 3), Farber retrieves a regular expression from a rule base table at the reflector 108 in the Data Server 112, and not from a Domain Name Server as set forth in the claims on appeal. Thereafter, Farber performs a sequential comparison between the resource identifier (URL) for the request and each of the regular expressions noted *supra* at the reflector 108 in the Data Server 112. Farber does not perform a comparison between a first Internet site name and the regular expression at a Domain Name Server as required by the claims on appeal. Jerger's teaching of searching site names does not

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cure the noted shortcomings in the teachings of Farber. The same holds true for the teaching in Schneider of using BIND integrated into UNIX network programs for use in storing and retrieving host names and addresses.

CONCLUSION OF LAW

In the obviousness rejection, the Examiner used impermissible hindsight reconstruction to pick and choose among disclosures in the applied prior art references. Obviousness has not been established by the Examiner because the applied references neither teach nor would have suggested to the skilled artisan the limitations set forth in the claims on appeal.

ORDER

The obviousness rejection of claims 1 to 17 is reversed.

REVERSED

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